

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Re: D.I. 1351, 1703, 1810

**CERTIFICATION OF COUNSEL REGARDING STIPULATION EXTENDING
DEADLINE PURSUANT TO SECTION 365(d)(4) OF THE BANKRUPTCY CODE
WITH RESPECT TO CERTAIN UNEXPIRED LEASE OF REAL PROPERTY**

I, Simon E. Fraser, counsel to Variety Wholesalers, Inc. (“Variety”), certify as follows:

1. On December 13, 2024, the Debtors filed their *Motion for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief* [D.I. 1351] (the “Extension Motion”) in which, *inter alia*, they requested an extension of their deadline to assume unexpired leases of nonresidential real property pursuant to section 365(d)(4) of the Bankruptcy Code (the “Lease Assumption Deadline”) by ninety days, through and including April 7, 2025.

2. On January 14, 2025, RD Management LLC, as the agent and/or owner of MFBG Port Huron, LLC (the “Landlord”), the landlord under the Debtors’ lease (the “Lease”) for the Debtors’ premises at 659 24th St., Port Huron, MI (Store No. 835) (the “Premises”) filed a limited objection and reservation of rights in response to the Extension Motion [D.I. 1703].

¹ The Debtors in these cases, together with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

3. On January 21, 2025, the Court entered an order (the “Extension Order”) granting the Extension Motion on the terms set out in the Extension Order. Among other things, the Extension Order extended the Lease Assumption Deadline generally to April 7, 2025, with the exception that with respect to certain of the Debtors’ unexpired leases of nonresidential real property, including Lease, the Lease assumption Deadline was extended only to February 26, 2025. The Extension Order further provided, *inter alia*, that, with respect to a specific unexpired lease of nonresidential real property, the Lease Assumption Deadline, as extended by the Extension Order, may be further extended to a later date only upon written consent of the applicable landlord.

4. Variety, the Landlord, the Debtors, and Gordon Brothers Retail Partners, LLC (the “Parties”), through their respective counsel, have been discussing the potential consensual extension of the Lease Assumption Deadline to April 7, 2025 for the Lease. Following arm’s-length negotiations conducted through their counsel, the Parties have agreed to extend the Lease Assumption Deadline for the Lease through and including April 7, 2025. The Parties’ agreement is set out in a certain *Stipulation Extending Deadline Pursuant to Section 365(d)(4) of the Bankruptcy Code with Respect to Certain Unexpired Lease of Real Property* (the “Stipulation”), which the Parties, through counsel, have each executed. A form of order approving the Stipulation (the “Order”) is attached to this Certification as Exhibit “A.” A copy of the Stipulation executed by the Parties is attached to the Order as Exhibit “1.”

5. Counsel for each of the Parties has reviewed the Order, and each Party, through its counsel, agrees to the entry of the Order together with the Stipulation.

6. Accordingly, the Parties respectfully request that the Court enter the Order, together with the Stipulation attached as Exhibit “1” to the Order, at its earliest convenience.²

COZEN O’CONNOR

Dated: February 26, 2025

/s/ Simon E. Fraser

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² Counsel for the Parties respectfully submit that the instant Certification invokes the “automatic bridge order” of the Court’s Local Rule 9006-2, and that the filing of this Certification automatically stays the Lease Assumption Deadline with respect to the Lease pending the Court’s acting on this Certification.